

A regular meeting of the Marilla Town Board was held December 9, 2004 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Officials present were:

John Foss, Supervisor  
Fred Specht, Councilman  
George Gertz, Councilman  
Warren Handley, Councilman  
Barbara Spanitz, Councilman

Supervisor Foss called the meeting to order and the Pledge of Allegiance to the Flag was given.

### **Communications**

1. Resignation from Planning Board Member Donald Weeks.

### **Committee Reports**

Highway Superintendent Dave Pierce reported that they are presently working on ditches and tree trimming on the roadsides.

Councilman Spanitz reported that the Marilla Library received \$3500 from Sandra Lee Wirth and it must be used by the end of June.

Councilman Handley wanted to thank everyone that participated in the Christmas Tree Lighting Ceremony. He stated that we had a very good turn out this year, he especially wanted to thank the youth groups that helped by doing all the crafts and decorating the trees as well as the Kiwanis for all their help and effort. He felt the kids were the highlight of the evening and we are looking forward to next year.

Councilman Specht reported that he had received two letters from Time Warner; the first stated they are having problems with their programming network. They stated that until the problem is straightened out there will be a reduction on residents bills from \$4.95 to .50 a month. The second letter stated that Time Warner will now be offering phone service over the cable line, in the same letter they stated that there will be a slight increase in residents cable bills for 2005.

Supervisor Foss reported that his office is beginning the process to close the books for the year 2004. All bills and vouchers need to be to the Town Clerk's Office by Monday, December 28<sup>th</sup> to be paid for the fiscal year 2004. Any bills arriving after this date will be paid in 2005. From his cash flow spread sheets all accounts are in good shape and we anticipate no problems for 2005.

He stated he is appalled at the way the County Legislature and the County Executive have performed during their budget process. At no time did he ever see our elected officials sit down and work together to solve the County's fiscal crisis. It was pure politics from the start with the red and green budgets. Their final result will not solve future budget problems and we can expect the same game to be played next year. He suspected none of the cuts made will have any affect on the pork and patronage jobs so dear to our elected officials.

He is now a firm believer that when we created the County Legislature and County Executive positions and eliminated the Board of Supervisors we made a huge mistake. This was certainly a form of regionalism and it certainly has not worked. He would prefer to go back to the County Board of Supervisors and hire a County manager and eliminate all the pork and patronage jobs. He looks at our neighboring Towns and Villages and we all seem to be doing quite well financially and otherwise. Yet our County Executive constantly blames us for high taxes and other County problems and wants more consolidations (regionalism) to take place and it will solve our problems. The exact opposite has happened especially over the last few years and his analysis shows services provided locally generally are cheaper and done in a more timely manner. He thinks it is time to stop trying to build political empires and build communities like

Marilla. Western New York is never going to be a Toronto or a Charlotte, but we can be a lot of great communities if we really work at it in a constructive manner.

### **Open Board Presentations From the Public**

Resident Paul Domanowski from Three Rod Road expressed concern with Allied Sportsmen Club on Clinton Street. He had a complaint about Allied shooting 7 days a week for casual use from 10:00 am to 10:00 p.m. He stated that he has had several altercations with Allied, he needs to work out a schedule to allow him to work in the fields safely. He felt he worked with them for many years and hoped this could be resolved.

Supervisor Foss stated he wasn't aware of the problem and he would contact Allied Sportsmen to set up a meeting to resolve this issue.

### **Old Business**

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to approve Minutes from the Public Hearings and Regular Meetings held on 11/04/04. Motion Carried.

### **New Business**

Motion: Councilman Gertz moved, seconded by Councilman Specht to authorize the Town Clerk to publish extended shooting hours for the year 2005 for Allied Sportsmen of WNY. Motion Carried.

Supervisor Foss stated that the Town Hall will be closed on December 24<sup>th</sup> and it will close at noon on December 31<sup>st</sup>. Settlement day will be held on December 30<sup>th</sup> at 9:00 a.m.

Supervisor Foss also stated that the January Organizational Meeting will be held on January 6<sup>th</sup> at 7:30 p.m.

Motion: Councilman Specht moved, seconded by Councilman Handley to appoint Kim Parker as Justice Court Clerk at an amount not to exceed 10 hours per week starting November 22<sup>nd</sup> 2004 and pay according to the adopted clerk's pay scale. Motion Carried.

Councilman Spanitz wanted to assure Mrs. Parker that if she could not complete the work in the 10 hours per week the Town Board would reconsider the situation.

Supervisor Foss agreed if that situation arose they would reconsider.

Motion: Councilman Spanitz moved, seconded by Councilman Gertz to authorize the Supervisor to sign the Stop DWI Contract with Erie County. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Gertz to approve the following resolution:

WHEREAS, the Town Board has received a request from Gary Gorski and Gail Gorski-Krollman for approval of a flag lot for property at S-536 Four Rod Road, Marilla and as part of that request, the applicant has proposed attaching a portion of the property that adjoins the front lot to the front lot thereby moving the lot line of the parcel in front to cure a side set back problem for the parcel in the front; and

WHEREAS, the Planning Board and the Conservation Advisory Board has reviewed the requests and recommended approval.

NOW, THEREFORE, be it resolved by the Town Board of the Town of Marilla as follows:

1. That the Town Board does hereby approve the request of Gary Gorski and Gail Gorski-Krollman for the creation of a flag lot at S-536 Four Rod Road.
2. That the approval of the Town Board is conditioned upon the applicant making the necessary boundary adjustments of the front parcel to eliminate the current side set back problem.
3. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board held on December 9, 2004, the results of which were as follows:

Roll Call Vote:

Councilman Spantiz – Aye

Councilman Specht – Aye

Councilman Gertz – Aye

Councilman Handley – Aye

Supervisor Foss – Aye

Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Handley to appoint Fenton Mobility Products to service the elevator at the Town Hall and the Marilla Free Library at \$275 per visit twice a year. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Specht to approve the following resolution:

WHEREAS, the Town of Marilla together with the Town of Elma solicited bids for Disposal of Mixed Municipal Solid Waste, Trash and Bulky items and specified that bids be received at the Marilla Town Hall on November 22, 2004 at 4:00 p.m.; and

WHEREAS, the Town Clerk of the Town of Marilla duly opened the bids submitted; and

WHEREAS, the Town Board reviewed the bids received from BFI with a disposal cost of \$48.70 per ton from BFI and from Waste Management with a disposal cost of \$50.95 per ton for a combined award with the Town of Elma of \$51.49 per ton for the Town of Marilla alone; and

WHEREAS, after computing the other cost items required to be imputed to account for the differences in the cost of transporting waste to alternate disposal sites has determined that the Town of Marilla be paying more than it is currently paying if it awarded the contract to either bidder and in fact would be paying substantially more than it is currently paying.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

1. That the Town Board has reviewed the bids submitted and determined that it is not in the best interest of the Town of Marilla to award bids to either of the bidders and the Town of Marilla therefore rejects all bids submitted.
2. That the Town Clerk is directed to notify all bidders that the Town Board has rejected all bids and to return to the bidders the certified check or bid bond submitted with their respective bids.
3. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board of the Town of Marilla held on December 9, 2004, the results of which were as follows:

Roll Call Vote:

Councilman Spantiz – Aye

Councilman Specht – Aye

Councilman Gertz – Aye

Councilman Handley – Aye

Supervisor Foss – Aye

Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Handley to authorize the Town Clerk to advertise bid for half-ton pick-up truck. Motion Carried.

Motion: Councilman Specht moved with regret, seconded by Councilman Spanitz with regret, to accept the resignation of Donald Weeks from the Planning Board. Motion Carried.

Supervisor Foss and the Marilla Town Board honored Earl H. Dabb with a Special Award from the New York State Assessor's Association for 25 years of Membership in the field of property tax administration.

### **Report of Town Officials**

Town Engineer Mike Smith reported they haven't heard anything from the Town of Alden or Bennington concerning Water District V. We are still waiting for the Federal Budget and the monies from Rural Development. He stated that he will be meeting with the head of Rural Development in a few weeks to see what we can find out. They are still allocating funds from last year's budget and waiting for the new budget.

Building Inspector John Fronczek submitted a written report with 2 building applications received totaling fees of \$ 387.00 building permits issued with a value of \$161,500.00, 11 inspections were made, and 2 complaints were acted on. One Special Use Permit Application for \$125 was taken. A total of 183 acts of official business were made for the month of October. Scott Rider has completed inspections of in-ground pool installations for fences and inspections of Public Assembly Buildings and multiple occupancies for the current year.

Town Attorney Nathan Neill wanted to thank Susan Attridge from Erie County for her help with the refuse bids and information she provided afterwards.

Earl Dabb from the Assessor's Office thanked everyone for the award. He stated that the new Assessor John Prell is working out well, but without Assessor Kandace Wittmeyer the office wouldn't work as well.

The Planning Board minutes have been received and posted.

Conservation Advisory Board minutes have been received and posted.

Marilla Fire Company representative George Gertz stated that a letter was sent out to residents from the Fire Company regarding the protocol and parameters that the Fire Company works with under New York State for the transportation of care patients. They have been using Rural Metro quite a bit lately and have gotten questions that they hope the letter clarifies. He added if anyone has any questions to please contact him, the Marilla Fire Chief or President. They also have information about the house number signs in the letter. They are charging \$15 for the sign which includes installation.

Hubert Kutter reported that the Historical Society still has Sesqui-centennial items at a reduced price. He thanked the Town Board, Historical Society people, past and present, for helping Jeff Lewinski and himself with the History Book.

Supervisor Foss thanked Hubert and George for doing the book and stated sales have gone way beyond expectations.

Hubert Kutter responded sales are at about 450 books.

**Open Board Presentations**

Councilman Specht agreed with Supervisor Foss on the Erie County Budget, he stated that it's sad what happened, he is upset that the pork and patronage is still in that budget.

Councilman Handley stated that the contest winner of the tree lighting ceremony will be posted on the Town Hall Bulletin Board.

Councilman Gertz wanted to thank the Town Board for authorizing him to contact the State to get a bypass switch at the intersection of Two Rod Road and Bullis Road. He explained it's a safety issue for the firemen allowing them to unlock it and hook a generator up to it to run the light when the power goes out, rather than having a firemen stand in the middle of the road.

Councilman Spanitz wanted to wish everyone a safe and happy Holiday Season.

Supervisor Foss stated that the town has had a wonderful year with community spirit never higher, if you stop and think about Memorial Day, the Sesqui-centennial, Veteran's Day, the Tree Lighting Ceremony and the new concert series and much more happened this year in Marilla. He stated you think about all the groups; 4-H, Girl Scouts, Boy Scouts, Cub Scouts, EMW Sports, Kiwanis Club, Historical Society, Senior Citizens, and many more all had a wonderful year. He feels all of these groups make Marilla a wonderful place to live. Everything is going to go on again next year such as the Civil War Re-enactment, the Car Show, expanded concert series, and much more, which is a tribute to the people who were involved and helped. He is thankful to have the privilege to represent the Town of Marilla as your Supervisor and he wished everyone a Merry Christmas and a Happy New Year.

Dan Handy resident from Eldridge Road questioned what has happened with the request for the speed reduction on Eldridge Road?

Supervisor Foss responded that we have not heard anything yet and we will look into it.

All claims have been previously reviewed by Councilman Specht, Councilman Handley and Councilman Spanitz.

Motion: Councilman Handley moved, seconded by Councilman Spanitz to approve the claims as follows:

General Fund Claims, Vouchers 672-739	\$	32,841.87
Highway Fund Claims, Vouchers 183-212	\$	9,349.00
Special Districts		
Sanitation (SR), Vouchers 118-142	\$	14,438.86
Special Fire, Voucher	\$	.00
Water District #2, Vouchers 25-28	\$	4,590.36
Water District #3, Voucher 12	\$	1,306.94
Water District #4, Voucher 12	\$	789.34
Community Development PACE Vchr 5	\$	1,725.00
Community Develop. HUD	\$	.00

Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Specht to adjourn the meeting at 8:10 p.m. Motion Carried.

Respectfully Submitted,

_____ Town Clerk	_____ Supervisor
_____ Councilman	_____ Councilman
_____ Councilman	_____ Councilman